

IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 1:22-cv-01377-MN-JLH

**DECLARATION OF BRIAN HORNE IN SUPPORT OF DEFENDANTS' ANSWERING
BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS MASIMO
CORPORATION'S INEQUITABLE CONDUCT COUNTERCLAIM AND STRIKE ITS
AFFIRMATIVE DEFENSE**

I, Brian Horne, declare as follows:

1. I am a partner with the law firm of Knobbe, Martens, Olson & Bear, LLP, counsel of record for Defendants Masimo Corporation and Sound United, LLC in the above-captioned matter. I have personal knowledge of the matters set forth herein and if I am called upon to testify, I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Address & Attorney/Agent Information for U.S. Patent No. D883,279.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Address & Attorney/Agent Information for U.S. Patent No. D947,842.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Address & Attorney/Agent Information for U.S. Patent No. D962,936.

5. Attached hereto as **Exhibit 4** is a true and correct copy of U.S. Patent No. 9,497,534.

6. Attached hereto as **Exhibit 5** is a true and correct copy of U.S. Patent No. 10,372,881.

7. Attached hereto as **Exhibit 6** is a true and correct copy of U.S. Patent No. 9,137,309.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 28, 2023 in Los Angeles, California.

/s/ Brian C. Horne

Brian C. Horne